

## REMARKS

The Applicant's attorney would like to thank the Examiner for granting the interview on October 26, 2011.

Claims 78-105 are pending in this application. The Examiner rejected claims as being obvious in view of U.S Patent No. 5,963,557 and one or more of US 2003/0143946 and U.S. Patent No. 5,625,628. The Applicants respectfully disagree.

In particular, there is no teaching in any of the cited references, alone or in combination, to sending the request queue update message to one or more of the CPEs as recited in the independent claims. The request queue update message includes the request for transmission intervals received from one or more of the CPEs. An example of such an embodiment is described at page 4, paragraphs 48 and/or 56. As explained to the Examiner during the interview, sending the request queue update message to one or more CPEs includes the interval requests themselves which means that the CPE has substantially the same information as the headend computer for scheduling purposes. Such a configuration provides for a distributed system in some embodiments. That means, in one example, that the CPEs may be able to send data in an available interval where there is no interval request pending.

In contrast, the '557 patent describes simply writing a control bit indicating an assigned slot and not the request for a transmission interval itself. *See e.g., '557 patent at Col. 8:49-65.* The remaining cited art does not cure the defects of the '557 patent. Accordingly, the Applicants respectfully request withdrawal of the rejections to the claims.

### CONCLUSION

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

### **CERTIFICATE OF TRANSMISSION**

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